

***Effective 5/12/2015***

***Superseded 5/10/2016***

**63N-3-105 Qualification for assistance.**

- (1) Except as provided in Section 63N-3-108, 63N-3-109, or 63N-3-110, the administrator shall determine which industries, companies, and individuals qualify to receive money from the Industrial Assistance Account. Except as provided by Subsection (2), to qualify for financial assistance from the restricted account, an applicant shall:
  - (a) demonstrate to the satisfaction of the administrator that the applicant will expend funds in Utah with employees, vendors, subcontractors, or other businesses in an amount proportional with money provided from the restricted account at a minimum ratio of 2 to 1 per year or other more stringent requirements as established from time to time by the board for a minimum period of five years beginning with the date the loan or grant was approved;
  - (b) demonstrate to the satisfaction of the administrator the applicant's ability to sustain economic activity in the state sufficient to repay, by means of cash or appropriate credits, the loan provided by the restricted account; and
  - (c) satisfy other criteria the administrator considers appropriate.
- (2)
  - (a) The administrator may exempt an applicant from the requirements of Subsection (1)(a) or (b) if:
    - (i) the financial assistance is provided to an applicant for the purpose of locating all or any portion of its operations to an economically disadvantaged rural area;
    - (ii) the applicant is part of a targeted industry;
    - (iii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide significant economic stimulus to the growth of commerce and industry in the state; or
    - (iv) the applicant is an entity offering an economic opportunity under Section 63N-3-109.
  - (b) The administrator may not exempt the applicant from the requirement under Subsection 63N-3-106(2)(b) that the loan be structured so that the repayment or return to the state equals at least the amount of the assistance together with an annual interest charge.
- (3) The administrator shall:
  - (a) for applicants not described in Subsection (2)(a):
    - (i) make findings as to whether or not each applicant has satisfied each of the conditions set forth in Subsection (1); and
    - (ii) monitor the continued compliance by each applicant with each of the conditions set forth in Subsection (1) for five years;
  - (b) for applicants described in Subsection (2)(a), make findings as to whether the economic activities of each applicant has resulted in the creation of new jobs on a per capita basis in the economically disadvantaged rural area or targeted industry in which the applicant is located;
  - (c) monitor the compliance by each applicant with the provisions of any contract or agreement entered into between the applicant and the state as provided in Section 63N-3-107; and
  - (d) make funding decisions based upon appropriate findings and compliance.